

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

| | | |
|--|---|------------------------------------|
| First Mercury Insurance Company, |) | Civil Action No. 4:12-cv-03603-RBH |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| Willie Deas, Individually and as the Personal Representative of the Estate of Barianene |) | O R D E R |
| Boykins-Deas; Lynne J. Slay; The Afterdeck, Inc., doing business as Thee Dollhouse; |) | |
| Dog House Holdings, LLC, doing business as Dog House Bar & Grill; and The Dog House Group, |) | |
| |) | |
| Defendants. |) | |
| |) | |

This action was originally filed on December 21, 2012, and summonses were issued on the same date. However, the docket reflects no further activity on the case.

The Federal Rules of Civil Procedure require a plaintiff to file proof of service of a defendant pursuant to Rule 4(l); however, as of the date of this Order the plaintiff has not filed such. It must be noted that pursuant to Fed.R.Civ.P. 4(m), service of the summons and complaint must be effected within 120 days after the filing of the complaint. If the plaintiff fails to comply within such time limitation, the court may on its own initiative dismiss the action after notice to the plaintiff. See Fed.R.Civ.P. 4(m); Local Rule 4.01.

Therefore, this court hereby provides notice to the plaintiff that it will dismiss this action without prejudice ten days from the date of this Order if proof of service has not been filed within that time.

IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell
United States District Court Judge

May 8, 2013
Florence, South Carolina